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ENGLISH TRANSLATION WITH ARABIC TEXT

WASA'IL AL-SHIA VOL. 22

SECTION 7

Kaffarat (Expiations)

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HADITH COMPILED BY

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Section 7

Kaffarat (Expiations)

CHAPTER 1

The Obligation Of Prescribed Expiation For Zihar: Freeing A Slave, If Unable Then Fasting Two Consecutive Months, If Unable Then Feeding Sixty Poor People, Whether The Zihar Was From A Free Woman Or A Slave Woman

[Hadith 28785 to 28791]

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Hadith 28785

عن حمران، عن أبي جعفر (عليه السلام) ـ في حديث الظهار ـ قال: وندم الرجل على ما قال لامرأته، وكره الله ذلك للمؤمنين بعد، فأنزل الله عزّ وجلّ: (والذين يظاهرون من نسائهم ثمّ يعودون لما قالوا)، يعني: ما قال الرجل الأوّل لامرأته: أنت علي كظهر امي،

From Humran, from Abu Ja'far (peace be upon him) - in the hadith of zihar - he said: The man regretted what he said to his wife, and Allah disliked that for the believers thereafter, so Allah the Mighty and Majestic revealed: "Those who pronounce zihar from their wives and then go back on what they said" [Quran, 58:3] - meaning: what the first man said to his wife: "You are to me like the back of my mother."

قال: فمن قالها بعد ما عفا الله وغفر للرجل الأوّل فإن عليه (تحرير رقبة من قبل أن يتماسا)، يعني: مجامعتها (ذلكم توعظون به والله بما تعلمون خبير

He said: So whoever says it after Allah pardoned and forgave the first man, then upon him is the freeing of a slave before they touch each other [Quran, 58:3] - meaning: before having intercourse with her - that is what you are admonished with, and Allah is All-Knowing of what you do.

فمن لم يجد فصيام شهرين متتابعين من قبل أن يتماسا فمن لم يستطع فاطعام ستين مسكينا) فجعل الله عقوبة من ظاهر بعد النهي هذا.

"But whoever cannot find [a slave to free], then fasting for two consecutive months before they touch each other. But whoever is not able, then the feeding of sixty poor people. So Allah made this the punishment for whoever performs zihar after the prohibition." [Quran, 58:3-4]

Hadith 28786

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: سمعته يقول: جاء رجل إلى رسول الله (صلى الله عليه واله)، فقال: يا رسول الله ! ظاهرت من امرأتي، قال: اذهب فاعتق رقبة، قال: ليس عندي، قال: اذهب فصم شهرين متتابعين، قال: لا أقوى، قال: إذهب فأطعم ستين مسكينا.

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From Abu Basir, from Abu Abdullah (peace be upon him), he said: I heard him say: A man came to the Messenger of Allah (peace and blessings be upon him and his family) and said: O Messenger of Allah! I have performed zihar from my wife. He said: Go and free a slave. He said: I do not have one. He said: Go and fast two consecutive months. He said: I am not able. He said: Go and feed sixty poor people.

Hadith 28787

عن معاوية بن وهب، قال: سألت أبا عبدالله (عليه السلام) عن الرجل يقول لامرأته: هي عليه كظهر امه؟ قال: تحرير رقبة، أو صيام شهرين متتابعين، أو إطعام ستين مسكينا، والرقبة تجزى عنه صبي ممن ولد في الاسلام.

From Mu'awiya ibn Wahb, he said: I asked Abu Abdullah (peace be upon him) about a man who says to his wife: She is to him like the back of his mother. He said: Freeing a slave, or fasting two consecutive months, or feeding sixty poor people, and a child born in Islam suffices as the slave to be freed.

Hadith 28788

عن أبي بصير، قال: سألت أبا عبدالله (عليه السلام) عن رجل ظاهر من امرأته قال: إن أتاها فعليه عتق رقبة أو صيام شهرين، أو إطعام ستين مسكينا.

From Abu Basir, he said: I asked Abu Abdullah (peace be upon him) about a man who performs zihar with his wife. He said: If he approaches her, then upon him is freeing a slave or fasting two months, or feeding sixty poor people.

أقول: هذا وما وافقه محمول على التقسيم، لا التخيير جمعا.

I (Hurr Amili) say: This and what agrees with it is carried upon gradation, not choice, as a combination.

Hadith 28789

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام) في قول الله عزّ وجلّ: (فمن لم يستطع فاطعام ستين مسكينا) قال: من مرض أو عطاش.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him) regarding the saying of Allah, Mighty and Majestic: "But whoever cannot find [a slave to free] - then the feeding of sixty poor people" [Quran, 58:4] - he said: One who is sick or thirsty.

Hadith 28790

عن سماعة، قال: سألته عن رجل قال لامرأته: أنت علي كظهر امي، قال: عليه عتق رقبة، أو إطعام ستّين مسكينا، أو صيام شهرين متتابعين.

From Sama'a, he said: I asked him about a man who said to his wife: You are to me like the back of my mother. He said: Upon him is the freeing of a slave, or feeding sixty poor people, or fasting two consecutive months.

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Hadith 28791

عن محمّد بن أبي عمير، عن أبان، وغيره، عن أبي عبدالله (عليه السلام) ـ في حديث الظهار ـ قال: ثمّ أنزل الله الكفارة في ذلك، فقال: (الذين يظاهرون من نسائهم ثمّ يعودون لما قالوا فتحرير رقبة من قبل أن يتماسا توعظون به والله بما تعملون خبير * فمن لم يجد فصيام شهرين متتابعين من قبل أن يتماسا فمن لم يستطع فاطعام ستين مسكينا).

From Muhammad ibn Abi Umayr, from Aban and others, from Abu Abdullah (peace be upon him) - in the hadith about zihar - he said: Then Allah revealed the expiation for that, saying: "Those who pronounce zihar from their wives and then [wish to] go back on what they said - then [there must be] the freeing of a slave before they touch one another. That is what you are admonished with. And Allah is Acquainted with what you do. And he who does not find [a slave] - then a fast for two months consecutively before they touch one another; and he who is unable - then the feeding of sixty poor people." [Quran, 58:3-4]

أقول: وتقدم ما يدل على ذلك في الظهار، وفي الصوم، وغير ذلك، ويأتي ما يدل عليه هنا، وتقدم ما ظاهره المنافاة، وذكرنا وجهه.

I (Hurr Amili) say: What indicates this has preceded in [the chapter on] zihar, and in [the chapter on] fasting, and other than that, and what indicates it will come here, and what preceded has apparent contradiction, and we mentioned its explanation.

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CHAPTER 2

If Someone Volunteers To Pay The Expiation For Zihar (Zihar Being Declaring One's Wife As Unlawful As One's Mother) And The Expiation For Breaking The Fast Of Ramadan On Behalf Of One Upon Whom It Is Obligatory, It Suffices For Him, And It Is Permissible For Him To Feed It To Himself And His Family Along With Those Who Deserve It

[Hadith 28792 to 28792]

Hadith 28792

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: سمعته يقول: جاء رجل إلى رسول الله (صلى الله عليه وآله)، فقال: يا رسول الله ! ظاهرت من امرأتي، قال: اذهب فاعتق رقبة، قال: ليس عندي، قال: إذهب فصم شهرين متتابعين، قال: لا أقوى، قال: اذهب فأطعم ستين مسكينا، قال: ليس عندي، قال: فقال رسول الله (صلى الله عليه وآله): أنا أتصدق عنك فأعطاه تمرا لاطعام ستين مسكيناً، قال: اذهب فتصدق بها، فقال والذي بعثك بالحقّ، ما أعلم بين لابتيها أحدا أحوج إليه مني ومن عيالي، قال: فاذهب فكل وأطعم عيالك.

From Abu Basir, from Abu Abdullah (peace be upon him), who said: I heard him say: A man came to the Messenger of Allah (may Allah bless him and his family) and said: O Messenger of Allah! I have committed zihar against my wife. He said: Go and free a slave. He said: I do not have one. He said: Then go and fast for two consecutive months. He said: I am not able. He said: Go and feed sixty poor people. He said: I do not have the means. So the Messenger of Allah (may Allah bless him and his family) said: I will give sadaqah on your behalf, and he gave him dates for feeding sixty poor people. He said: Go and give these in sadaqah. The man said: By the One who sent you with the truth, I know of no one between the two rocky tracts (of Medina) more in need of it than myself and my family. He said: Then go and eat and feed your family.

أقول: وتقدم ما يدل على ثبوت هذا الحكم في كفارة إفطار شهر رمضان في الصوم.

I (Hurr Amili) say: What has preceded indicates the establishment of this ruling regarding the expiation for breaking the fast of Ramadan in the section on fasting.

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CHAPTER 3

Consecutive Fasting Of A Month And A Day Suffices, And Separating The Remainder Is Permissible, But Less Than That Does Not Suffice, And That Fasting For Expiation Is Not Permissible During Travel Or Illness

[Hadith 28793 to 28794]

Hadith 28793

محمّد بن علي بن الحسين بإسناده عن جميل بن درّاج، أنّه سأل أبا عبدالله (عليه السلام) عن الظهار، متى يقع على صاحبه الكفارة؟ ـ إلى أن قال: ـ قلت: فإن صام فمرض فأفطر، أيستقبل أو يتم ما بقي عليه؟ قال: إن صام شهرا، ثمّ مرض استقبل، فان زاد على الشهر يوما أو يومين بنى عليه.

Muhammad ibn Ali ibn al-Husayn narrated through his chain from Jamil ibn Darraj that he asked Abu Abdullah (peace be upon him) about zihar (a form of divorce declaration), when does the expiation become incumbent upon the one who declares it? - until he said: I said: If he fasts and then becomes ill and breaks his fast, should he start over or complete what remains upon him? He said: If he fasted a month, then became ill, he should start over. But if he exceeded the month by a day or two, then he builds upon it (continues from where he left off).

Hadith 28794

عن صفوان، عن ابن عيينة، عن أبي عبدالله (عليه السلام)، قال: المظاهر إن صام شهرا ومن الشهر الآخر يوما فقد واصل، فان شاء فليقض متفرقا، وإن شاء فليعط لكل يوم مدا من طعام.

From Safwan, from Ibn Uyaynah, from Abu Abdullah (peace be upon him), he said: The one who declares zihar, if he fasts a month and from the second month one day, then he has maintained continuity. If he wishes, he may make up the remainder separately, and if he wishes, he may give for each day a mudd of food.

أقول وتقدم ما يدل على ذلك في الصوم، ويأتي ما يدل على بعض المقصود، وحكم المرض محمول على المرض الذي يقدر معه على الصوم ؛ لما يأتي، والاطعام محمول على العجز عن الصوم ؛ لما مر.

I (Hurr Amili) say: What indicates this has preceded in the chapter on fasting, and what indicates some of the intended meaning will come. The ruling on illness is interpreted as referring to an illness with which one is still able to fast, as will come later. And the feeding is interpreted as being for one unable to fast, as has passed previously.

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CHAPTER 4

One Who Is Obligated To Fast Two Consecutive Months Is Not Permitted To Begin In Sha'ban, Except If He Fasts Before It, Even If Only One Day

[Hadith 28795 to 28795]

Hadith 28795

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) ـ في حديث ـ قال: فان ظاهر في شعبان، ولم يجد ما يعتق، قال: ينتظر حتّى يصوم شهر رمضان، ثمّ يصوم شهرين متتابعين، وإن ظاهر وهو مسافر، انتظر حتّى يقدم.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them both) - in a hadith - he said: If one performs zihar in Sha'ban and does not find what he can free (as expiation), he said: He should wait until he fasts the month of Ramadan, then fast two consecutive months. And if he performs zihar while traveling, he should wait until he returns home.

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CHAPTER 5

One Who Begins Fasting, Then Becomes Able To Free A Slave, It Is Permissible For Him To Complete The Fasting, And It Is Recommended For Him To Choose Freeing A Slave. And That The Expiation For Zihar For A Slave Is Fasting For A Month.

[Hadith 28796 to 28798]

Hadith 28796

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) ـ في حديث الظهار ـ قال: فان صام فأصاب مالا فليمض الذي ابتدأ فيه.

From Muhammad ibn Muslim, from one of the two (peace be upon them) - in the hadith of zihar - he said: If he fasts and then acquires wealth, let him continue with what he began.

Hadith 28797

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) في رجل صام شهرا من كفارة الظهار، ثمّ وجد نسمة، قال: يعتقها، ولا يعتدّ بالصوم. أقول: حمله الشيخ على الاستحباب ؛ لما تقدَّم.

From Muhammad ibn Muslim, from one of the two (peace be upon them) regarding a man who fasted a month as expiation for zihar, then found a slave to free, he said: He should free her, and the fasting does not count. I (Hurr Amili) say: The Shaykh interpreted this as recommended, based on what preceded.

Hadith 28798

عن علي بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته عن رجل صام من الظهار، ثمّ أيسر، وبقي عليه يومان أو ثلاثة من صومه؟ فقال: إذا صام شهرا، ثمّ دخل في الثاني أجزأه الصوم، فليتم صومه، ولا عتق عليه. أقول: وتقدم ما يدل على الحكم الثاني في الظهار.

From Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about a man who fasted for zihar, then became wealthy, and two or three days remained from his fasting? He said: If he fasted for a month, then entered into the second (month), the fasting suffices him, so let him complete his fasting, and no freeing of a slave is required of him. I (Hurr Amili) say: What has preceded indicates the second ruling regarding zihar.

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CHAPTER 6

Whoever Is Unable To Perform Expiation, Seeking Forgiveness (Istighfar) Suffices For Him, And The Ruling Of Zihar In This Matter

[Hadith 28799 to 28802]

Hadith 28799

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: كل من عجز عن الكفارة التي تجب عليه من صوم، أو عتق، أو صدقة في يمين، أو نذر، أو قتل، أو غير ذلك مما يجب على صاحبه فيه الكفارة، فالاستغفار له كفارة ما خلا يمين الظهار، فانه إذا لم يجد ما يكفر به حرم عليه أن يجامعها، وفرق بينهما إلا أن ترضى المرأة أن يكون معها، ولا يجامعها.

From Abu Basir, from Abu Abdullah (peace be upon him), who said: Whoever is unable to perform the expiation that is obligated upon him - whether fasting, or freeing a slave, or giving sadaqah - in matters of oath, or vow, or killing, or other than that from what requires expiation upon its doer, then seeking forgiveness (istighfar) serves as expiation for him, except for the oath of zihar. For if he does not find what to expiate with, it becomes forbidden for him to have intercourse with her, and they are separated unless the woman consents to remain with him without him having intercourse with her.

Hadith 28800

عن أبي الجارود زياد بن المنذر، قال: سأل أبوالورد أبا جعفر (عليه السلام) ـ وأناعنده ـ عن رجل قال لامرأته: أنت علي كظهر امي مائة مرة؟ فقال أبو جعفر (عليه السلام): يطيق لكل مرة عتق نسمة؟ قال: لا، قال: يطيق إطعام ستين مسكينا مائة مرة؟ قال: لا، قال: فيطيق صيام شهرين متتابعين مائة مرة؟ قال: لا، قال: يفرق بينهما.

From Abu al-Jarud Ziyad ibn al-Mundhir, who said: Abu al-Ward asked Abu Ja'far (peace be upon him) - while I was with him - about a man who said to his wife: "You are to me like the back of my mother" one hundred times. Abu Ja'far (peace be upon him) said: Can he afford to free a soul for each time? He said: No. He said: Can he afford to feed sixty poor people one hundred times? He said: No. He said: Can he fast two consecutive months one hundred times? He said: No. He said: Then they should be separated.

أقول: يمكن حمل الحديثين لى الاستحباب فانه يمكن إسقاط الكفارة بأن يطلّق، ثمّ يتزوجها، ويمكن الحمل على عدم سقوط الكفارة بالكلية، بل حتى يتمكن منها بخلاف غير الظهار، كما قاله الشيخ ؛ لما يأتي.

I (Hurr Amili) say: It is possible to interpret these two hadiths as recommended, for it is possible to drop the expiation by divorcing her and then remarrying her. It is also possible to interpret it as the expiation not being dropped entirely, but remaining until he becomes capable of it, unlike other than zihar, as the Shaykh said, based on what follows.

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Hadith 28801

عن داود بن فرقد، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: إن الاستغفار توبة، وكفارة لكل من لم يجد السبيل إلى شيء من الكفارة.

From Dawud ibn Farqad, from Abu Abdullah (peace be upon him) - in a hadith - he said: Indeed, seeking forgiveness (istighfar) is repentance and expiation for everyone who cannot find the means to any form of expiation.

Hadith 28802

عن إسحاق بن عمار، عن أبي عبدالله (عليه السلام)، قال: الظهار إذا عجز صاحبه عن الكفارة فليستغفر ربه، وينوي أن لا يعود قبل أن يواقع، ثمّ ليواقع، وقد أجزأ ذلك عنه من الكفارة، فاذا وجد السبيل إلى ما يكفر يوما من الايام فليكفر، وإن تصدق وأطعم نفسه وعياله، فانه يجزيه إذا كان محتاجاً، وإلاّ يجد ذلك فليستغفر ربه، وينوي أن لايعود فحسبه ذلك ـ والله ـ كفارة.

From Ishaq ibn Ammar, from Abu Abdullah (peace be upon him), he said: Regarding zihar (a pre-Islamic form of divorce declaration), when its perpetrator is unable to perform the expiation, let him seek forgiveness from his Lord and intend not to repeat it before he has marital relations, then let him have marital relations, and this will suffice him as expiation. If he finds the means to expiate someday, then let him expiate. And if he gives sadaqah and feeds himself and his dependents, this will suffice him if he is in need. If he cannot find even that, then let him seek forgiveness from his Lord and intend not to repeat it - by Allah, that alone is sufficient as expiation for him.

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CHAPTER 7

The Freeing Of A Child Suffices In The Expiation For Zihar If Born Into Islam, And Likewise In The Expiation For Oaths, But It Does Not Suffice In The Expiation For Killing, And That The Believing Soul Is One Who Acknowledges The Imamate

[Hadith 28803 to 28812]

Hadith 28803

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) ـ في حديث الظهار ـ قال: والرقبة يجزي عنه صبي ممن ولد في الاسلام.

From Muhammad ibn Muslim, from one of the two (peace be upon them) - in the hadith about zihar - he said: And regarding the soul, a child from among those born into Islam suffices for him.

Hadith 28804

وبإسناده عن السكوني قال: قال علي (عليه السلام): الولد يجزي في الظهار.

And by his chain from al-Sakuni who said: Ali (peace be upon him) said: The child suffices in zihar.

Hadith 28805

عن الفضل بن المبارك عن أبيه، عن أبي عبدالله (عليه السلام)، قال: قلت له: جعلت فداك، الرجل يجب عليه عتق رقبة مؤمنة فلايجدها، كيف يصنع؟ فقال: عليكم بالاطفال فاعتقوهم، فإن خرجت مؤمنة فذاك، وإن لم تخرج مؤمنة فليس عليكم شيء.

From al-Fadl ibn al-Mubarak from his father, from Abu Abdullah (peace be upon him), he said: I said to him: May I be ransomed for you, a man is obligated to free a believing slave but cannot find one, what should he do? He said: You should take children and free them, for if she turns out to be a believer, then that is it, and if she does not turn out to be a believer, then there is nothing upon you.

Hadith 28806

عن محمّد الحلبي، عن أبي عبدالله (عليه السلام) قال: لايجوز في القتل إلا رجل، ويجوز في الظهار وكفارة اليمين صبي.

From Muhammad al-Halabi, from Abu Abdullah (peace be upon him), he said: In cases of killing, only a man is acceptable, but in cases of zihar (oath of estrangement from one's wife) and expiation for oaths, a child is acceptable.

Hadith 28807

عن الحلبي، عن أبي عبدالله (عليه السلام) في قول الله عزّ وجلّ: (فتحرير رقبة مؤمنة) قال: يعني مقرة.

From al-Halabi, from Abu Abdullah (peace be upon him) regarding the saying of Allah, Mighty and

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Majestic: "So free a believing slave" [Quran, 4:92], he said: It means one who acknowledges (the faith).

Hadith 28808

عن الحسين بن سعيد، عن رجاله، عن أبي عبدالله (عليه السلام)، قال: قال رسول الله (صلى الله عليه وآله): كل العتق يجوز له المولود إلا في كفارة القتل، فان الله تعالى يقول: (فتحرير رقبة مؤمنة)، قال: يعني بذلك مقرة قد بلغت الحنث، ويجزي في الظهار صبي ممن ولد في الاسلام.

From al-Husayn ibn Sa'id, from his men, from Abu Abdillah (peace be upon him), who said: The Messenger of Allah (may Allah's blessings and peace be upon him and his family) said: All forms of manumission are valid for newborns except in the expiation for killing, for Allah the Exalted says: "So free a believing slave" [Quran, 4:92]. He said: By this He means one who has acknowledged (the faith) and has reached the age of accountability. And in zihar (oath of estrangement from one's wife), a child born in Islam suffices.

Hadith 28809

وعن كردويه الهمداني، عن أبي الحسن (عليه السلام) في قوله (فتحرير رقبة مؤمنة)، كيف تعرف المؤمنة؟ قال: على الفطرة.

And from Kurduwayh al-Hamdani, from Abu al-Hasan (peace be upon him) regarding His saying: "So free a believing slave" [Quran, 4:92], how do you recognize the believing one? He said: According to the natural disposition (fitra).

Hadith 28810

وعن السكوني، عن جعفر بن محمّد، عن أبيه، عن علي (عليهم السلام)، قال: الرقبة المؤمنة التي ذكر الله إذا عقلت، والنسمة التي لا تعلم إلاّ ما قلته، وهي صغيرة.

And from al-Sakuni, from Ja'far ibn Muhammad, from his father, from Ali (peace be upon them), who said: The believing slave that Allah mentioned is when she has reached understanding, and the soul that knows nothing except what you have told her, while she is young.

Hadith 28811

عن علي بن جعفر، عن أخيه موسى بن جعفر (عليهما السلام)، قال: سألته عن الظهار، هل يجوز فيه عتق صبي؟ فقال: إذا كان مولودا ولد في الاسلام أجزأه.

From Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon them both), he said: I asked him about zihar, is it permissible to free a child slave for it? He said: If he was born a Muslim, it suffices.

Hadith 28812

عن الحلبي، عن أبي عبدالله (عليه السلام) في قول الله: (فتحرير رقبة مؤمنة)، قال: يعني: مقرة.

From al-Halabi, from Abu Abdullah (peace be upon him) regarding the word of Allah: "So free a

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believing slave" [Quran, 4:92], he said: It means: one who acknowledges (the faith).

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CHAPTER 8

One Who Is Unable To Fulfill The Expiation For Zihar Being Sufficient For Him To Fast Eighteen Days**

[Hadith 28813 to 28813]

Hadith 28813

عن أبي بصير، قال: سألت أبا عبدالله (عليه السلام) عن رجل ظاهر من امرأته، فلم يجد ما يعتق، ولا ما يتصدق، ولا يقوى على الصيام، قال: يصوم ثمّانية عشر يوما، لكل عشرة مساكين ثلاثة أيام.

From Abu Basir, who said: I asked Abu Abdullah (peace be upon him) about a man who performs zihar with his wife, but he does not find anything to free (a slave), nor anything to give in sadaqah, nor is he able to fast. He said: He should fast eighteen days - three days for every ten poor people.

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CHAPTER 9

One Who Makes His Slave A Mudabbar (Conditional Freedman), Then Dies, And The Slave Is Freed But This Does Not Suffice For Expiation

[Hadith 28814 to 28815]

Hadith 28814

عن إبراهيم الكرخيّ، قال: قلت لابي عبدالله (عليه السلام): إن هشام بن ادين سألني أن أسألك عن رجل جعل لعبده العتق إن حدث بسيده حدث الموت، فمات السيد وعليه تحرير رقبة واجبة في كفارة، أيجزي عن الميت عتق العبد الذي كان السيد جعل له العتق بعد موته في تحرير الرقبة التي كانت على الميت؟ فقال: لا.

From Ibrahim al-Karkhi, who said: I said to Abu Abdullah (peace be upon him): Hisham ibn Adin asked me to ask you about a man who granted his slave freedom conditional upon his (the master's) death, then the master died while owing the freeing of a slave as an obligation for expiation. Does the freeing of the slave whom the master had granted conditional freedom after his death suffice for the freeing of the slave that was owed by the deceased? He said: No.

Hadith 28815

عن حمّاد عن الحلبي، عن أبي عبدالله (عليه السلام) في رجل يجعل لعبده العتق إن حدث به حدث، وعلى الرجل تحرير رقبة في كفارة يمين أو ظهار، أيجزي عنه أن يعتق عبده ذلك في تلك الرقبة الواجبة؟ قال: لا.

From Hammad, from al-Halabi, from Abu Abdullah (peace be upon him) regarding a man who grants his slave freedom if something happens to him (the master), while the man owes the freeing of a slave for expiation of an oath or zihar. Does freeing that slave suffice for him regarding that obligatory slave (freeing)? He said: No.

أقول: يأتي ما يدل على أن المدبر رق، ويجوز الرجوع في التدبير، وتنجيز العتق في هذا الحديث يمكن أن يراد به: أن الرجل جعل لعبده العتق بطريق النذر ونحوه، فلا يجوز عتقه عن الكفارة، ويمكن أن يقرأ يعتق مبنيا للمجهول، ويراد به: أن ذلك العتق الذي هو بطريق التدبير لا يجزي عن الكفارة، أو المراد: أن عتقه بغير رجوع عن التدبير لا يجوز، والله أعلم.

I (Hurr Amili) say: What will come indicates that the mudabbar remains a slave, and it is permissible to revoke the tadbir, and the immediate granting of freedom in this hadith can be understood to mean: that the man granted his slave freedom by way of vow or similar, so it is not permissible to free him for expiation. It is also possible to read "ya'tiq" as passive voice, meaning: that freedom which is by way of tadbir does not suffice for expiation, or the meaning is: that freeing him without revoking the tadbir is not permissible. And Allah knows best.

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CHAPTER 10

The Obligation Of Ordered Expiation For Accidental Killing, Whether The Blood Money Is Taken From Him Or Forgiven To Him, Whether The Killed Person Was Free Or A Slave

[Hadith 28816 to 28816]

Hadith 28816

عن عبدالله بن سنان، قال: قال أبو عبدالله (عليه السلام): كفارة الدم إذا قتل الرجل مؤمنا متعمدا، ـ إلى أن قال: ـ وإذا قتل خطأ أدى ديته إلى أوليائه، ثمّ أعتق رقبة، فإن لم يجد صام شهرين متتابعين، فان لم يستطع أطعم ستين مسكينا مدا مدا، وكذلك إذا وهبت له دية المقتول، فالكفارة عليه فيما بينه وبين ربه لازمة.

From Abdullah ibn Sinan, he said: Abu Abdullah (peace be upon him) said: The expiation for blood when a man kills a believer intentionally - until he said - and when he kills by mistake, he pays the blood money to the heirs, then he frees a slave. If he cannot find one, he fasts two consecutive months. If he is unable to do so, he feeds sixty poor people, one mudd each. Likewise, if the blood money of the killed person is forgiven to him, the expiation is still obligatory upon him between himself and his Lord.

أقول: وتقدم ما يدل على ذلك في الصوم، ويأتي ما يدل عليه في القصاص، وغيره.

I (Hurr Amili) say: What indicates this has already been mentioned in the chapter on fasting, and what indicates it will come in the chapter on retaliation and others.

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CHAPTER 11

The Obligation Of Expiation Upon A Woman If She Drinks Medicine And Causes A Miscarriage

[Hadith 28817 to 28817]

Hadith 28817

عن طلحة بن زيد، عن جعفر بن محمّد، عن أبيه (عليهما السلام) في امرأة حبلى شربت دواء فأسقطت قال: تكفر عنه.

From Talha ibn Zayd, from Ja'far ibn Muhammad, from his father (peace be upon them both) regarding a pregnant woman who drank medicine and caused a miscarriage. He said: She must make expiation for it.

أقول: وتقدم ما يدل على ذلك عموما، ويأتي ما يدل عليه.

I (Hurr Amili) say: What has preceded indicates this in general terms, and what follows will also indicate it.

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CHAPTER 12

The Obligation Of The Ordered Optional Expiation For Breaking An Oath: Feeding Ten Poor People, Or Clothing Them, Or Freeing A Slave, And Whoever Cannot Find [the Means] Should Fast Three Consecutive Days, And If Unable, Should Seek Allah's Forgiveness

[Hadith 28818 to 28833]

Hadith 28818

عن الحلبي، عن أبي عبدالله (عليه السلام) في كفارة اليمين، يطعم عشرة مساكين، لكل مسكين مد من حنطة، أو مد من دقيق وحفنة، أو كسوتهم لكل إنسان ثوبان، أو عتق رقبة، وهو في ذلك بالخيار، أيّ ذلك شاء صنع، فان لم يقدر على واحدة من الثلاث، فالصيام عليه ثلاثة أيام.

From al-Halabi, from Abu Abdullah (peace be upon him) regarding the expiation for an oath: He feeds ten poor people, for each poor person a mudd of wheat, or a mudd of flour and a handful, or clothes them - for each person two garments, or frees a slave. He has the choice in this matter - whichever of these he wishes to do. If he is unable to do any of the three, then he must fast three days.

Hadith 28819

عن علي بن أبي حمزة، عن أبي عبدالله (عليه السلام)، قال: سألته عن كفارة اليمين؟ فقال: عتق رقبة أو كسوة، والكسوة ثوبان أو إطعام عشرة مساكين أي ذلك فعل أجزأ عنه، فان لم يجد فصيام ثلاثة أيام متواليات، وإطعام عشرة مساكين مدا مدا. ورواه الشيخ بإسناده عن الحسين بن سعيد مثله إلا أنه قال: مد مد.

From Ali ibn Abi Hamza, from Abu Abdullah (peace be upon him): He said: I asked him about the expiation for an oath. He said: Freeing a slave, or clothing - and the clothing is two garments - or feeding ten poor people. Whichever of these he does will suffice for him. If he cannot find [the means], then he fasts three consecutive days. And feeding ten poor people is a mudd for each one. The Shaykh narrated it through his chain from al-Husayn ibn Sa'id in the same manner, except that he said: "mudd mudd."

Hadith 28820

عن أبي جميلة، عن أبي عبدالله (عليه السلام)، قال: في كفارة اليمين عتق رقبة، أو إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم، ـ إلى أن قال: ـ فمن لم يجد فعليه الصيام، يقول الله عزّ وجلّ: (فمن لم يجد فصيام ثلاثة أيام).

From Abu Jamila, from Abu Abdullah (peace be upon him), who said: Regarding the expiation for an oath: freeing a slave, or feeding ten poor people from the average of what you feed your own families, or clothing them - until he said - and whoever cannot find the means, then he must fast, as Allah the Mighty and Majestic says: "So whoever cannot find the means, then fasting for three days

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[Quran, 5:89]."

Hadith 28821

عن أبي حمزة الثمّالي، قال: سألت أبا عبدالله (عليه السلام) عمن قال: والله، ثمّ لم يف؟ فقال أبو عبدالله (عليه السلام): كفارته إطعام عشرة مساكين مدا مدا دقيق أو حنطة، (أو كسوتهم)، أو تحرير رقبة، أو صوم ثلاثة أيام متوالية إذا لم يجد شيئا من ذا.

From Abu Hamza al-Thumali, who said: I asked Abu Abdullah (peace be upon him) about one who says "By Allah" then does not fulfill it. Abu Abdullah (peace be upon him) said: His expiation is feeding ten poor people, a mudd each of flour or wheat, or clothing them, or freeing a slave, or fasting three consecutive days if he cannot find any of these means.

Hadith 28822

عن أبي خالد القمّاط، أنّه سمع أبا عبدالله (عليه السلام) يقول: من كان له ما يطعم فليس له أن يصوم، يطعم عشرة مساكين مدا مدا، فمن لم يجد فصيام ثلاثة أيام.

From Abu Khalid al-Qammat, that he heard Abu Abdullah (peace be upon him) say: Whoever has the means to feed should not fast; he should feed ten poor people, a mudd each. Whoever cannot find the means, then fasting for three days.

Hadith 28823

عن زرارة، عن أبي جعفر (عليه السلام)، قال: سألته عن شيء من كفارة اليمين، فقال: يصوم ثلاثة أيام، قلت: إن ضعف عن الصوم وعجز، قال: يتصدق على عشرة مساكين، قلت: إنه عجز عن ذلك، قال: يستغفر الله ولا يعد، فانه أفضل الكفارة وأقصاه وأدناه، فليستغفر الله، ويظهر توبة وندامة.

From Zurarah, from Abu Ja'far (peace be upon him), he said: I asked him about something regarding the expiation for an oath, so he said: He should fast three days. I said: If he is weak and unable to fast, he said: He should give sadaqah to ten poor people. I said: If he is unable to do that, he said: He should seek Allah's forgiveness and not repeat it, for it is the best, the utmost, and the least of expiation. So let him seek Allah's forgiveness and show repentance and remorse.

أقول: الصوم هنا محمول على أنه واجب على من عجز عن الاطعام والكسوة والعتق، والاطعام المأمور به هنا بعد العجز عن الصوم محمول على إطعام ما دون المدّ، فانّه إذا عجز عن الجميع تصدق بما تيسر.

I (Hurr Amili) say: The fasting here is understood to be obligatory for one who is unable to provide food, clothing, or manumission. The feeding commanded here after being unable to fast is understood as feeding less than a mudd, for when one is unable to do all of them, he gives sadaqah with what is possible.

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Hadith 28824

عن علي بن الحكم عن حمزة، (عن جعفر، عن أبيه: ان عليا) (عليه السلام) قال: (فوض الله) إلى الناس في كفارة اليمين كما فوض إلى الامام في المحارب أن يصنع ما يشاء، وقال: كل شيء في القرآن أو، فصاحبه فيه بالخيار.

From Ali ibn al-Hakam from Hamza, from Ja'far, from his father: that Ali (peace be upon him) said: Allah delegated to people regarding the expiation for oaths just as He delegated to the Imam regarding the highway robber to do what he wishes. And he said: Everything in the Quran with "or" - its companion has a choice in it.

Hadith 28825

علي بن جعفر في كتابه عن أخيه، قال: سألته عن كفارة صوم اليمين، أيصومها جميعا، أم يفرق بينها؟ قال: يصومها جميعا.

Ali ibn Ja'far in his book from his brother, he said: I asked him about the expiation of fasting for an oath - should he fast it all together or separate between them? He said: He should fast it all together.

Hadith 28826

العياشي في (تفسيره): عن سماعة بن مهران، عن أبي عبدالله (عليه السلام)، قال: سألته عن قول الله: (من أوسط ما تطعمون أهليكم أو كسوتهم) في كفارة اليمين؟ قال: ما يأكل أهل البيت يشبعهم يوما، وكان يعجبه مد لكل مسكين، قلت: أو كسوتهم، قال: ثوبين لكل رجل.

Al-Ayyashi in his (Tafsir): From Sama'ah ibn Mihran, from Abu Abdullah (peace be upon him), he said: I asked him about the saying of Allah: "from the average of what you feed your families or clothe them" regarding the expiation for an oath. He said: What the household eats that satisfies them for one day, and he used to prefer a mudd for each poor person. I said: "or clothe them." He said: Two garments for each man.

Hadith 28827

وعن أبي بصير، قال: سألت أبا جعفر (عليه السلام) عن قول الله: (من أوسط ما تطعمون أهليكم)، قال: قوت عيالك، والقوت يؤمئذ مد، قلت: (أو كسوتهم) قال: ثوب.

And from Abu Basir, he said: I asked Abu Ja'far (peace be upon him) about the saying of Allah: "from the average of what you feed your families." He said: The sustenance of your dependents, and the sustenance at that time was a mudd. I said: "or clothe them." He said: One garment.

Hadith 28828

وعن ابن سنان، عن أبي عبدالله (عليه السلام): في كفارة اليمين ثوبين لكل رجل، والرقبة يعتق من المستضعفين في الذي يجب عليك فيه رقبة.

And from Ibn Sinan, from Abu Abdullah (peace be upon him): Regarding the expiation for an oath, two garments for each man, and regarding the slave to be freed - he should be freed from among the oppressed in that which obligates you to free a slave.

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Hadith 28829

وعن إسحاق بن عمار، عن أبي عبدالله (عليه السلام) ـ في حديث ـ في كفارة اليمين، قال: صيام ثلاثة أيّام، لا يفرق بينهن.

From Ishaq ibn Ammar, from Abu Abdullah (peace be upon him) - in a hadith - regarding the expiation for an oath, he said: Fasting three days, without separating between them.

Hadith 28830

وعن أبي خالد القماط أنه سمع أبا عبدالله (عليه السلام) يقول في كفارة اليمين: من كان له ما يطعم فليس له أن يصوم، أطعم عشرة مساكين مدا مدا، أو أعتق رقبة أو كسوتهم، والكسوة ثوبان، أي ذلك فعل أجزأ عنه، فان لم يجد فصيام ثلاثه أيام.

From Abu Khalid al-Qammat that he heard Abu Abdullah (peace be upon him) say regarding the expiation for an oath: Whoever has the means to feed should not fast. Feed ten poor people one mudd each, or free a slave, or clothe them - and clothing means two garments. Whichever of these he does will suffice for him. If he cannot find the means, then fasting for three days.

Hadith 28831

وعن علي بن أبي حمزة، عن أبي عبدالله (عليه السلام)، قال: فان لم يجد فصيام ثلاثة أيام متواليات، وإطعام عشرة مساكين مد مد.

From Ali ibn Abi Hamza, from Abu Abdullah (peace be upon him), he said: If he cannot find the means, then fasting three consecutive days, and feeding ten poor people one mudd each.

Hadith 28832

وعن الحلبي، عن أبي عبدالله (عليه السلام)، قال: صيام ثلاثة أيام في كفارة اليمين متتابعات لا يفصل بينهن، وقال: كل صيام يفرق إلا صيام ثلاثة أيام في كفارة اليمين، فان الله يقول: (فصيام ثلاثة أيام)، أي: متتابعات.

From Al-Halabi, from Abu Abdullah (peace be upon him), who said: The fasting of three days in the expiation of an oath should be consecutive with no separation between them. And he said: All fasting may be separated except the fasting of three days in the expiation of an oath, for indeed Allah says: "Then fasting for three days," [Quran 5:89] meaning: consecutively.

Hadith 28833

عن إبراهيم بن عمر، أنه سمع أبا عبدالله (عليه السلام) يقول في كفارة اليمين: من كان له ما يطعم فليس له أن يصوم، ويطعم عشرة مساكين مدا مدا، فان لم يجد فصيام ثلاثة أيام.

From Ibrahim ibn Umar, that he heard Abu Abdullah (peace be upon him) say regarding the expiation of an oath: Whoever has the means to feed should not fast, and should feed ten poor people one mudd each. If he cannot find the means, then fasting for three days.

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CHAPTER 13

The Limit Of Inability Regarding Freeing A Slave, Feeding, And Clothing In Expiation

[Hadith 28834 to 28834]

Hadith 28834

عن إسحاق بن عمار، عن أبي إبراهيم (عليه السلام) قال: سألته عن كفارة اليمين في قوله: (فمن لم يجد فصيام ثلاثة أيام)، ما حدّ من لم يجد؟ وإن الرجل ليسأل في كفه وهو يجد؟ فقال: إذا لم يكن عنده فضل عن قوت عياله فهو ممن لا يجد.

From Ishaq ibn Ammar, from Abu Ibrahim (peace be upon him), he said: I asked him about the expiation for an oath in His saying: "But whoever cannot find [or afford it] - then a fast of three days" [Quran, 5:89] - what is the limit of one who cannot find? For indeed a man may beg with his palm while he is able to find. So he said: When he does not have surplus beyond the sustenance of his dependents, then he is among those who cannot find.

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CHAPTER 14

The Sufficiency Of One Mudd For Each Poor Person In Feeding, Though Two Mudds Are Recommended, Along With Adding Condiments - The Minimum Being Salt And The Highest Being Meat.

[Hadith 28835 to 28848]

Hadith 28835

عن محمّد بن قيس، قال: قال أبو جعفر (عليه السلام): قال الله عزّ وجلّ لنبيه (صلى الله عليه وآله): (يا أيها النبي لم تحرم ما أحل الله لك... * قد فرض الله لكم تحلة أيمانكم) فجعلها يمينا، وكفرها رسول الله (صلى الله عليه وآله)، قلت: بما كفر؟ قال: أطعم عشرة مساكين، لكل مسكين مد، قلنا: (فمن وجد) الكسوة؟ قال: ثوب يواري به عورته.

From Muhammad ibn Qays, who said: Abu Ja'far (peace be upon him) said: Allah the Mighty and Majestic said to His Prophet (peace and blessings be upon him and his family): "O Prophet, why do you prohibit what Allah has made lawful for you... Allah has already ordained for you the dissolution of your oaths [Quran, 66:1-2]." So He made it an oath, and the Messenger of Allah (peace and blessings be upon him and his family) expiated for it. I asked: How did he expiate? He said: He fed ten poor people, one mudd for each poor person. We asked: What about those who find clothing? He said: A garment that covers his private parts.

Hadith 28836

عن أبي جميلة، عن أبي عبدالله (عليه السلام)، قال: في كفارة اليمين: عتق رقبة أو إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم، والوسط الخل والزيت، وأرفعه الخبز واللحم، والصدقة مد من حنطة لكل مسكين، والكسوة ثوبان.

From Abu Jamilah, from Abu Abdullah (peace be upon him), who said: Regarding the expiation of an oath: freeing a slave, or feeding ten poor people from the average of what you feed your families, or clothing them. The average is vinegar and oil, and the highest is bread and meat. The sadaqah is one mudd of wheat for each poor person, and the clothing is two garments.

Hadith 28837

عن الحلبي، عن أبي عبدالله (عليه السلام) في قول الله عزّ وجلّ: (من أوسط ما تطعمون أهليكم) قال: هو كما يكون أن يكون في البيت (من يأكل المد، ومنهم) من يأكل أكثر من المد ومنهم من يأكل أقل من المد فبين ذلك، وإن شئت جعلت لهم ادما والادم أدناه ملح، وأوسطه الخل والزيت، وأرفعه اللحم.

From al-Halabi, from Abu Abdullah (peace be upon him) regarding the saying of Allah, Mighty and Glorious: "from the average of what you feed your families." [Quran, 5:89] He said: It is as it happens to be in the household - some eat a mudd (measure), and some eat more than a mudd, and some eat less than a mudd - so it is between that. And if you wish, you may provide them with

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condiments (adam), and the lowest of condiments is salt, the middle is vinegar and oil, and the highest is meat.

Hadith 28838

عن هشام بن الحكم، عن أبي عبدالله (عليه السلام): في كفارة اليمين مد مد من حنطة وحفنة، لتكون الحفنة في طحنه وحطبه. ورواه الشيخ بإسناده عن محمّد بن يعقوب، وكذا كل ما قبله.

From Hisham ibn al-Hakam, from Abu Abdullah (peace be upon him): Regarding the expiation for oath-breaking - a mudd, a mudd of wheat and a handful, so that the handful may be for its grinding and firewood. The Shaykh narrated it through his chain from Muhammad ibn Ya'qub, and likewise all that preceded it.

Hadith 28839

عن أبي بصير، قال: سألت أبا جعفر (عليه السلام) عن أوسط ما تطعمون أهليكم؟ قال: ما تقوتون به عيالكم من أوسط ذلك، قلت: وما أوسط ذلك؟ فقال: الخل والزيت والتمر والخبز، يشبعهم به مرة واحدة، قلت كسوتهم، قال: ثوب واحد.

From Abu Basir, he said: I asked Abu Ja'far (peace be upon him) about "the average of what you feed your families." He said: What you sustain your dependents with from the average of that. I said: And what is the average of that? He said: Vinegar and oil and dates and bread, with which you satisfy them once. I said: Their clothing? He said: One garment.

Hadith 28840

عن أبي بصير، عن أحدهما (عليهما السلام) ـ في كفارة الظهار ـ قال: تصدق على ستين مسكينا ثلاثين صاعاً، (لكل مسكين) مدين مدين.

From Abu Basir, from one of them (peace be upon them both) - regarding the expiation for zihar - he said: Give sadaqah to sixty poor people, thirty sa's, two mudd for each poor person.

Hadith 28841

محمّد بن مسعود العياشي في (تفسيره): عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال في اليمين في إطعام عشرة مساكين: ألا ترى أنه يقول: (من أوسط ما تطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام) فلعل أهلك أن يكون قوتهم لكل إنسان دون المد، ولكن يحسب في طحنه ومائة وعجنه، فإذا هو يجزي لكل إنسان مد، وأما كسوتهم فإن وافقت بها الشتاء (فكسوتهم) لكل مسكين إزار ورداء، وللمرأة ما يواري ما يحرم منها إزار وخمار ودرع، وصوم ثلاثة أيام إن شئت أن تصوم، إنما الصوم من جسدك ليس من مالك ولا غيره.

Muhammad ibn Mas'ud al-Ayyashi in his Tafsir: From Muhammad ibn Muslim, from one of them (peace be upon them both), he said regarding the oath in feeding ten poor people: Do you not see that He says: from the average of what you feed your families or clothe them or free a slave, but whoever cannot find [that] then fasting for three days [Quran, 5:89]. Perhaps your family's sustenance for each person is less than a mudd, but it is calculated including its grinding, water, and kneading, so it suffices one mudd for each person. As for their clothing, if it coincides with winter,

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then their clothing is for each poor man an izar and a rida, and for a woman what covers what is forbidden of her: an izar, a khimar, and a dir'. And fasting three days if you wish to fast - fasting is only from your body, not from your wealth or anything else.

Hadith 28842

وعن ابن سنان، عن أبي عبدالله (عليه السلام)، قال: في كفارة اليمين يعطى كل مسكين مدا على قدر ما يقوت إنسانا من أهلك في كل يوم، وقال: مد من حنطة يكون فيه طحنه وحطبه على كل مسكين، أو كسوتهم ثوبين.

And from Ibn Sinan, from Abu Abdullah (peace be upon him), he said: In the expiation for an oath, each poor person is given a mudd according to what sustains a person from your family each day. And he said: A mudd of wheat including its grinding and firewood for each poor person, or clothe them with two garments.

Hadith 28843

وعن زرارة، عن أبي عبدالله (عليه السلام): في كفارة اليمين عتق رقبة، أو (إطعام عشرة مساكين) والادام والوسط الخل والزيت، وأرفعه الخبز واللحم، والصدقة مد لكل مسكين، والكسوة ثوبان، فمن لم يجد فعليه الصيام، يقول الله (فمن لم يجد فصيام ثلاثة أيام) ويصومهن متتابعا، ويجوز في عتق الكفارة الولد، ولا يجوز في عتق القتل إلا مقرة بالتوحيد.

From Zurarah, from Abu Abdullah (peace be upon him): Regarding the expiation for an oath, it is freeing a slave, or feeding ten poor people - and the condiment and the middle option is vinegar and oil, and the best is bread and meat, and the sadaqah is one mudd for each poor person, and the clothing is two garments. So whoever cannot find these, then upon him is fasting. Allah says: [Quran, 5:89] And he should fast them consecutively. A child is permitted in freeing for expiation, but in freeing for killing, only one who affirms monotheism is permitted.

Hadith 28844

وعن الحلبي، عن أبي عبدالله (عليه السلام): في كفارة اليمين يطعم عشرة مساكين لكل مسكين مدين من حنطة، ومد من دقيق وحفنة، أو كسوتهم لكل إنسان ثوبان، أو عتق رقبة، وهو في ذلك بالخيار، أي الثلاثة شاء صنع، فان لم يقدر على واحدة من الثلاث فالصيام عليه واجب، صيام ثلاثة أيام.

From al-Halabi, from Abu Abdullah (peace be upon him): Regarding the expiation for an oath, he feeds ten poor people, for each poor person two mudds of wheat, and one mudd of flour and a handful, or clothing them - for each person two garments, or freeing a slave. He has the choice in this - whichever of the three he wishes, he may do. If he is unable to do any of the three, then fasting is obligatory upon him - fasting three days.

Hadith 28845

عن زرارة، عن أبي جعفر (عليه السلام) في كفارة اليمين قال: عشر أمداد نقي طيّب، لكل مسكين مد.

From Zurarah, from Abu Ja'far (peace be upon him) regarding the expiation for an oath, he said: Ten mudds of clean, good grain, one mudd for each poor person.

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Hadith 28846

وعن منصور بن حازم، قال: قال لي أبو عبدالله (عليه السلام): أطعم في كفارة اليمين مدا لكل مسكين.

From Mansur ibn Hazim, he said: Abu Abdullah (peace be upon him) said to me: Feed in the expiation of an oath one mudd for each poor person.

Hadith 28847

وعن عبيد الله الحلبي، عن أبي عبدالله (عليه السلام): في كفارة اليمين مد وحفنة.

From Ubayd Allah al-Halabi, from Abu Abdullah (peace be upon him): In the expiation of an oath, one mudd and a handful.

Hadith 28848

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام) في كفارة اليمين قال: أطعم رسول الله (صلى الله عليه وآله) عشرة مساكين، لكل مسكين مد من طعام في أمر مارية، وهو قول الله عزّ وجلّ: (يا أيها النبي لم تحرم ما أحل الله لك) إلخ.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him) regarding the expiation of an oath, he said: The Messenger of Allah (peace and blessings be upon him and his family) fed ten poor people, giving each poor person one mudd of food in the matter of Mariyah, and this is the saying of Allah the Mighty and Glorious: "O Prophet, why do you prohibit what Allah has made lawful for you [Quran, 66:1]".

أقول: وتقدم عدة أحاديث تدل على أنه يجزي إطعام المد، وقد حمل جماعة من علمائنا ما تضمن المدين على الاستحباب، وحمله الشيخ على القادر، وحمل المّد على العاجز.

I (Hurr Amili) say: Several hadiths have preceded indicating that feeding one mudd is sufficient, and a group of our scholars have interpreted what mentions two mudds as being recommended, while the Shaykh interpreted it as applying to the capable person, and interpreted the one mudd as applying to the incapable person.

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CHAPTER 15

Clothing In Expiation Is One Garment For Each Poor Person, And Two Garments Are Recommended

[Hadith 28849 to 28852]

Hadith 28849

عن محمّد بن قيس قال: قال أبو جعفر (عليه السلام) في حديث كفارة اليمين ـ إلى أن قال: ـ قلنا: (فمن وجد) الكسوة، قال: ثوب يواري عورته.

From Muhammad ibn Qays who said: Abu Ja'far (peace be upon him) said in a hadith about expiation for an oath - until he said: We said: (What about one who finds) the clothing? He said: A garment that covers his private parts.

Hadith 28850

عن معمر بن عمر، قال: سألت أبا جعفر (عليه السلام) عمن وجب عليه الكسوة في كفارة اليمين، قال: هو ثوب يواري عورته.

From Mu'ammar ibn Umar who said: I asked Abu Ja'far (peace be upon him) about one upon whom clothing is obligatory in expiation for an oath. He said: It is a garment that covers his private parts.

Hadith 28851

عن الحسين بن سعيد، عن رجاله، عن أبي عبدالله (عليه السلام)، قال: قال رسول الله (عليه السلام) ـ في حديث ـ: ويجزي في كفارة الظهار صبي ممن ولد في الاسلام، وفي كفارة اليمين ثوب يواري عورته، وقال: ثوبان.

From al-Husayn ibn Sa'id, from his men, from Abu Abdullah (peace be upon him), who said: The Messenger of Allah (peace be upon him) said - in a hadith: It suffices in the expiation for zihar (declaring one's wife unlawful like one's mother) a boy from among those born in Islam, and in the expiation for an oath, a garment that covers the private parts. And he said: two garments.

Hadith 28852

عن أبي بصير ـ يعني: المراديّ ـ عن أبي جعفر (عليه السلام) قال: سألته عن قول الله: (من أوسط ما تطعمون أهليكم أو كسوتهم) قال: ثوب.

From Abu Basir - meaning: al-Muradi - from Abu Ja'far (peace be upon him), he said: I asked him about the word of Allah: "from the average of that which you feed your families or clothe them" [Quran, 5:89]. He said: a garment.

أقول: وتقدم ما يدل على ذلك، وعلى الامر بالثوبين أيضا، وهو محمول على الاستحباب.

I (Hurr Amili) say: What has preceded indicates this, and also the command for two garments, and this is understood as recommended.

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CHAPTER 16

If One Finds Fewer Poor People Than The Required Number, He Should Repeat Giving To Them Until Completing The Requirement, And If One Finds The Full Number, Repetition Is Not Permissible For Fewer Recipients

[Hadith 28853 to 28854]

Hadith 28853

عن السكوني، عن أبي عبدالله (عليه السلام)، قال: قال أمير المؤمنين (عليه السلام): إن لم يجد في الكفارة إلا الرجل والرجلين فيكرر عليهم حتى يستكمل العشرة، يعطيهم اليوم ثمّ يعطيهم غدا.

From al-Sakuni, from Abu Abdullah (peace be upon him), who said: Amir al-Muminin (peace be upon him) said: If he does not find for the expiation except one man or two men, then he should repeat giving to them until he completes the ten - he gives them today, then gives them tomorrow.

Hadith 28854

عن إسحاق بن عمّار، قال: سألت أبا إبراهيم (عليه السلام) عن إطعام عشرة مساكين، أو إطعام ستين مسكيناً، أيجمع ذلك لانسان واحد يعطاه؟ قال: لا، ولكن يعطي إنسانا إنسانا كما قال الله تعالى، قلت: فيعطيه الرجل قرابته إن كانوا محتاجين؟ قال: نعم.

From Ishaq ibn Ammar, who said: I asked Abu Ibrahim (peace be upon him) about feeding ten poor people, or feeding sixty poor people - can this be gathered and given to one person? He said: No, but rather give to each person individually as Allah the Exalted said. I said: Can a man give it to his relatives if they are in need? He said: Yes.

أقول: حمله الشيخ على ما لو وجد الجماعة ؛ لما تقدّم.

I (Hurr Amili) say: The Shaykh interpreted this as applying to when one finds the full group, based on what preceded.

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CHAPTER 17

Feeding Minors Alone In Expiation Is Not Sufficient, But Rather Two Minors Count As One Adult, And That Minors And Adults, Men And Women Are Equal In Giving

[Hadith 28855 to 28857]

Hadith 28855

عن غياث بن إبراهيم، عن أبي عبدالله (عليه السلام)، قال: لا يجزئ إطعام الصغير في كفارة اليمين، ولكن صغيرين بكبير.

From Ghiyath ibn Ibrahim, from Abu Abdullah (peace be upon him), who said: Feeding a minor in expiation for an oath is not sufficient, but two minors count as one adult.

Hadith 28856

عن السكوني عن جعفر، عن أبيه، أن عليا (عليه السلام)، قال: من أطعم في كفارة اليمين صغارا وكباراً، فليزود الصغير بقدر ما أكل الكبير.

From al-Sukuni from Ja'far, from his father, that Ali (peace be upon him) said: Whoever feeds minors and adults in expiation for an oath, let him give the minor the same amount that the adult ate.

Hadith 28857

عن يونس بن عبد الرحمن، عن أبي الحسن (عليه السلام)، قال: سألته عن رجل عليه كفارة إطعام عشرة مساكين، أيعطي الصغار والكبار سواء والنساء والرجال، أو يفضل الكبار على الصغار، والرجال على النساء؟ فقال: كلهم سواء.

From Yunus ibn Abd al-Rahman, from Abu al-Hasan (peace be upon him), he said: I asked him about a man who owes the expiation of feeding ten poor people - should he give to the young and old equally, and to women and men, or should he favor the old over the young and men over women? He said: All of them are equal.

أقول: حمله الشيخ على ما لو اجتمع الصغار مع الكبار ؛ لما تقدم في حديث الحلبي من قول أبي عبدالله (عليه السلام): أنه يكون في البيت من يأكل أقل من المد، ومنهم من يأكل أكثر، ولا يخفى أنه مخصوص بالاعطاء، والأوّل بالاطعام، وتقدم أيضا ما يدل على ذلك.

I (Hurr Amili) say: The Shaykh interpreted this to apply to when the young are gathered together with the old, based on what preceded in the hadith of al-Halabi from the saying of Abu Abdullah (peace be upon him): that there will be in the household those who eat less than a mudd, and among them are those who eat more. It is not hidden that this is specific to giving, while the first refers to feeding, and what indicates this has also preceded.

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CHAPTER 18

It Is Permissible To Give The Weak Among The Disbelievers From Expiation When No Believer Is Available, And It Is Not Permissible To Give To The Nasibi (Hostile Enemies)

[Hadith 28858 to 28859]

Hadith 28858

عن يونس بن عبد الرحمن، عن أبي الحسن (عليه السلام) ـ في حديث الكفّارة ـ قال: ويتمم إذا لم يقدر على المسلمين وعيالاتهم تمام العدة التي تلزمه الضعف ممن لا ينصب.

From Yunus ibn Abd al-Rahman, from Abu al-Hasan (peace be upon him) - in the hadith about expiation - he said: And he completes when he is unable to find Muslims and their dependents to complete the number that is obligatory upon him, [by giving to] the weak among those who are not Nasibi.

Hadith 28859

عن إسحاق بن عمّار، قال: سألت أبا إبراهيم (عليه السلام) عن إطعام عشرة مساكين، أو إطعام ستين مسكيناً، ـ إلى أن قال: ـ قلت: فيعطيه الضعفاء من غير أهل الولاية؟ قال: نعم، وأهل الولاية أحبّ إليَّ.

From Ishaq ibn Ammar, he said: I asked Abu Ibrahim (peace be upon him) about feeding ten poor people, or feeding sixty poor people - until he said - I said: Can he give it to the weak who are not among the people of allegiance (wilaya)? He said: Yes, though the people of allegiance are more beloved to me.

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CHAPTER 19

The Expiation For An Oath Is Not Obligatory Except After Breaking It

[Hadith 28860 to 28862]

Hadith 28860

عن أبي حمزة الثمّالي، قال: سألت أبا عبدالله (عليه السلام) عمن قال: والله، ثمّ لم يف؟ فقال: كفارته إطعام عشرة مساكين.

From Abu Hamza al-Thumali, he said: I asked Abu Abdullah (peace be upon him) about one who says "By Allah" then does not fulfill it. He said: Its expiation is feeding ten poor people.

Hadith 28861

عن جعفر بن محمّد، عن أبيه أن علي بن أبي طالب (عليه السلام) قال: إذا حنث الرجل فليطعم عشرة مساكين، ويطعم قبل أن يحنث.

From Ja'far ibn Muhammad, from his father, that Ali ibn Abi Talib (peace be upon him) said: When a man breaks his oath, let him feed ten poor people, and let him feed before he breaks it.

أقول: حمله الشيخ على التقيّة ؛ لما مضى، ويأتي.

I (Hurr Amili) say: The Shaykh interpreted this as taqiyyah based on what has passed and what is to come.

Hadith 28862

عن طلحة بن زيد، عن جعفر، عن أبيه: أنّ عليّاً (عليه السلام) كره أن يطعم الرجل في كفارة اليمين قبل الحنث.

From Talha ibn Zayd, from Ja'far, from his father: that Ali (peace be upon him) disliked that a man should feed (others) for the expiation of an oath before breaking the oath.

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CHAPTER 20

The Expiation For One Who Swears By Disavowal From Allah And His Messenger And Then Breaks The Oath

[Hadith 28863 to 28864]

Hadith 28863

عن محمّد بن يحيى، قال: كتب محمّد بن الحسن إلى أبي محمّد (عليه السلام): رجل حلف بالبراءة من الله ورسوله فحنث، ما توبته وكفارته؟ فوقع (عليه السلام): يطعم عشرة مساكين، لكل مسكين مدّ، ويستغفر الله عزّ وجلّ.

From Muhammad ibn Yahya, he said: Muhammad ibn al-Hasan wrote to Abu Muhammad (peace be upon him): A man swore by disavowal from Allah and His Messenger and then broke his oath, what is his repentance and expiation? He (peace be upon him) replied: He should feed ten poor people, giving each poor person one mudd (measure of grain), and seek forgiveness from Allah the Mighty and Majestic.

Hadith 28864

عن أبي جميلة، عن عمرو بن حريث، عن أبي عبدالله (عليه السلام)، قال: سألته عن رجل قال: إن كلم ذا قرابة له فعليه المشي إلى بيت الله، وكل ما يملكه في سبيل الله، وهو بريء من دين محمّد؟ قال: يصوم ثلاثة أيام، ويتصدق على عشرة مساكين.

From Abu Jamilah, from Amr ibn Harith, from Abu Abdullah (peace be upon him), he said: I asked him about a man who said: "If I speak to this relative of his, then upon me is walking to the House of Allah, and all that I own is in the way of Allah, and I am free from the religion of Muhammad." He said: He should fast three days and give sadaqah to ten poor people.

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CHAPTER 21

Feeding The Poor From The Meat Of Sacrificial Animals Does Not Suffice For The Expiation Of An Oath

[Hadith 28865 to 28865]

Hadith 28865

عن السكوني، عن أبي عبدالله (عليه السلام)، قال: سئل أمير المؤمنين (عليه السلام): هل تطعم المساكين في كفارة اليمين من لحوم الاضاحي؟ فقال: لا ؛ لأنه قربان لله. ورواه الصدوق في (العلل) كما تقدم في الذبح.

From al-Sakuni, from Abu Abdullah (peace be upon him), he said: Amir al-Muminin (peace be upon him) was asked: Can the poor be fed from the meat of sacrificial animals for the expiation of an oath? He said: No, because it is an offering to Allah. Al-Saduq narrated it in (al-Ilal) as previously mentioned in the chapter on slaughter.

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CHAPTER 22

The Expiation For Intercourse During Menstruation And Marrying A Woman During Her Waiting Period

[Hadith 28866 to 28867]

Hadith 28866

عن داود بن فرقد، عن أبي عبدالله (عليه السلام) ـ في كفارة الطمث ـ: انه يتصدق إذا كان في أوله بدينار، وفي أوسطه بنصف دينار، وفي آخره بربع دينار.

From Dawud ibn Farqad, from Abu Abdullah (peace be upon him) regarding the expiation for menstruation: that he should give sadaqah - if it was at the beginning, one dinar; if in the middle, half a dinar; and if at the end, a quarter dinar.

Hadith 28867

عن الحلبي، قال: سئل أبو عبدالله (عليه السلام) عن رجل واقع امرأته وهي حائض؟ قال: إن كان واقعها في استقبال الدم فليستغفر الله وليتصدق على سبعة نفر من المؤمنين، (يقوت) كل رجل منهم ليومه ولا يعد، وإن كان واقعها في إدبار الدم في آخر أيامها قبل الغسل فلا شيء عليه.

From al-Halabi, he said: Abu Abdullah (peace be upon him) was asked about a man who had intercourse with his wife while she was menstruating. He said: If he had intercourse with her at the onset of bleeding, let him seek Allah's forgiveness and give sadaqah to seven believers, providing sustenance for each man for his day, and he should not repeat it. If he had intercourse with her at the end of bleeding in her final days before the ritual bath, then there is nothing upon him.

أقول: وتقدم ما يدل على ذلك في الحيض، وعلى كفارة تزويج المرأة في عدتها في المصاهرة.

I (Hurr Amili) say: What indicates this has been previously mentioned in the chapter on menstruation, and regarding the expiation for marrying a woman during her waiting period in the chapter on marriage relationships.

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CHAPTER 23

The Expiation For Breaking A Vow

[Hadith 28868 to 28875]

Hadith 28868

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: إن قلت: لله على فكفارة يمين.

From al-Halabi, from Abu Abdullah (peace be upon him), who said: If you say "For Allah, upon me" then the expiation is that of an oath.

Hadith 28869

عن علي بن مهزيار، قال: وكتب إليه يسأله يا سيّدي ! رجل نذر أن يصوم يوما فوقع ذلك اليوم على أهله، ما عليه من الكفارة؟ فكتب إليه: يصوم يوما بدل يوم، وتحرير رقبة مؤمنة.

From Ali ibn Mahzayar, who said: He wrote to him asking: O my master! A man vowed to fast a day, then on that day he had relations with his wife. What expiation is upon him? So he wrote to him: He should fast one day in place of the day, and free a believing slave.

Hadith 28870

عن صفوان الجمال، عن أبي عبدالله (عليه السلام)، قال: قلت له: بأبي أنت وامي، إنّي جعلت على نفسي مشيا إلى بيت الله، قال: كفر يمينك، فانما جعلت على نفسك يميناً، وما جعلته لله ففِ به.

From Safwan al-Jammal, from Abu Abdullah (peace be upon him), he said: I said to him: May my father and mother be sacrificed for you, I have made upon myself walking to the House of Allah. He said: Expiate your oath, for you have only made upon yourself an oath, and what you made for Allah, fulfill it.

Hadith 28871

عن حفص بن غياث، عن أبي عبدالله (عليه السلام)، قال: سألته عن كفارة النذر؟ فقال: كفارة النذر كفارة اليمين، ومن نذر بدنة فعليه ناقة يقلدها ويشعرها، ويقف بها بعرفة، ومن نذر جزورا فحيث شاء نحره. ورواه الشيخ بإسناده عن محمّد بن يعقوب، وكذا الذي قبله.

From Hafs ibn Ghiyath, from Abu Abdullah (peace be upon him), he said: I asked him about the expiation for a vow. He said: The expiation for a vow is the expiation of an oath. And whoever vows a badana (sacrificial camel), then upon him is a she-camel which he should garland and mark, and stand with it at Arafat. And whoever vows a slaughter animal, then wherever he wishes he may slaughter it. The Sheikh narrated it through his chain from Muhammad ibn Ya'qub, and likewise the one before it.

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Hadith 28872

عن جميل بن صالح، عن أبي الحسن موسى (عليه السلام)، انّه قال: كل من عجز عن نذر نذره فكفارته كفارة يمين.

From Jamil ibn Salih, from Abu al-Hasan Musa (peace be upon him), that he said: Whoever is unable to fulfill a vow he has made, then its expiation is the expiation of an oath.

Hadith 28873

عن عمرو بن خالد، عن أبي جعفر (عليه السلام)، قال: النذر نذران فما كان لله فف به، وما كان لغير الله فكفارته كفارة يمين.

أقول: يحتمل أن يكون المراد بما كان لغير الله: ما وقع الحنث فيه أو ما كان معلقا على شرط كحصول شفاء المريض، وعلى كل تقدير فالحنث مراد، وإلا لم تجب الكفارة.

From Amr ibn Khalid, from Abu Ja'far (peace be upon him), who said: Vows are of two types: what is for Allah, so fulfill it, and what is for other than Allah, its expiation is the expiation of an oath. I (Hurr Amili) say: It is possible that what is meant by "what is for other than Allah" is: what involves breaking the vow or what is conditional upon a condition like the recovery of a sick person. In any case, breaking the vow is intended, otherwise expiation would not be required.

Hadith 28874

عن عبد الملك بن عمرو، عن أبي عبدالله (عليه السلام)، قال: سألته عمن جعل لله عليه أن لا يركب محرما سماه فركبه؟ قال: (لا أعلمه) إلا قال: فليعتق رقبة، أو ليصم شهرين متتابعين، أو ليطعم ستين مسكينا.

From Abd al-Malik ibn Amr, from Abi Abdullah (peace be upon him), who said: I asked him about one who made a vow to Allah that he would not ride something forbidden that he named, then he rode it. He said: I do not know except that he said: Let him free a slave, or fast two consecutive months, or feed sixty poor people.

Hadith 28875

عن محمّد بن عيسى العبيدي عن عليّ، وإسحاق ابني سليمان بن داود: ان إبراهيم بن محمّد أخبرهما، قال: كتبت إلى الفقيه (عليه السلام): يا مولاي ! نذرت أن أكون متى فاتتني صلاة الليل صمت في صبيحتها ففاته ذلك، كيف يصنع؟ وهل عليه من ذلك من مخرج؟ وكم يجب عليه من الكفارة في صوم كل يوم تركه إن كفر إن أراد ذلك؟ فكتب يفرق عن كل يوم بمد من طعام كفارة.

From Muhammad ibn Isa al-Ubaidi from Ali and Ishaq, the two sons of Sulayman ibn Dawud: that Ibrahim ibn Muhammad informed them, saying: I wrote to the jurist (peace be upon him): O my master! I vowed that whenever I miss the night prayer, I would fast the following morning, but he missed that. What should he do? Is there any way out of this for him? How much expiation is required for each day of fasting he abandoned if he wishes to make expiation? He wrote: He should distribute for each day a mudd of food as expiation.

أقول: جمع جماعة من الاصحاب بين هذه الاخبار وما تقدم في الصوم وما يأتي، بأن المنذور إن كان صوما وجب بالحنث كفارة شهر رمضان وإلا فكفارة اليمين وهو حسن، وما تضمن الصدقة بما دون ذلك محمول على العجز عما زاد لما مر، أو على

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الاستحباب مع العجز عن الوفاء بالنذر.

I (Hurr Amili) say: A group of companions have reconciled these reports with what was mentioned previously regarding fasting and what follows, stating that if the vowed act was fasting, then breaking it requires the expiation of Ramadan, otherwise it requires the expiation of an oath, and this is good. What includes sadaqah of less than that is understood as applying to one unable to do more as previously mentioned, or as recommended when unable to fulfill the vow.

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CHAPTER 24

The Obligation Of Expiatory Options For Breaking A Covenant

[Hadith 28876 to 28877]

Hadith 28876

عن العمركي البوفكي، عن علي بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته عن رجل عاهد الله في غير معصية، ما عليه إن لم يف بعهده؟ قال: يعتق رقبة، أو يتصدق بصدقة، أو يصوم شهرين متتابعين.

From al-Umraki al-Bufki, from Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about a man who makes a covenant with Allah regarding something that is not a sin - what is upon him if he does not fulfill his covenant? He said: He should free a slave, or give sadaqah, or fast two consecutive months.

Hadith 28877

عن أبي بصير، عن أحدهما (عليهما السلام)، قال: من جعل عليه عهد الله وميثاقه في أمر لله طاعة فحنث فعليه عتق رقبة، أو صيام شهرين متتابعين، أو إطعام ستين مسكينا.

From Abu Basir, from one of them (peace be upon them both), he said: Whoever makes upon himself a covenant of Allah and His compact regarding a matter of obedience to Allah, then breaks it, upon him is freeing a slave, or fasting two consecutive months, or feeding sixty poor people.

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CHAPTER 25

That Whoever Is Required To Fast Two Consecutive Months And Breaks His Fast Due To Illness Or Menstruation, The Consecutiveness Is Not Invalidated, And He Is Not Required To Start Over

[Hadith 28878 to 28879]

Hadith 28878

عن رفاعة قال: سألت أبا عبدالله (عليه السلام) عن رجل جعل عليه صوم شهرين متتابعين، فيصوم شهرا، ثمّ يمرض، هل يعتد به؟ قال: نعم، أمر الله حبسه، قلت: امرأة نذرت صوم شهرين متتابعين، قال: تصوم، وتستأنف أيامها التي قعدت حتى تتم الشهرين قلت: أرأيت إن هي يئست من المحيض، هل تقضيه؟ قال: لا يجزئها الأوّل.

From Rifa'a who said: I asked Abu Abdullah (peace be upon him) about a man who is required to fast two consecutive months, so he fasts one month then becomes ill - does it count for him? He said: Yes, Allah's command detained him. I said: A woman vowed to fast two consecutive months. He said: She fasts, and she resumes counting the days during which she sat out until she completes the two months. I said: What if she reaches menopause - does she make it up? He said: The first one does not suffice for her.

Hadith 28879

عن رفاعة، عن أبي عبدالله (عليه السلام)، قال: المظاهر إذا صام شهرا، ثمّ مرض اعتد بصيامه.

From Rifa'a, from Abu Abdullah (peace be upon him), who said: The one who performs zihar (oath of abstinence from his wife), if he fasts one month then becomes ill, his fasting is counted.

أقول: وتقدم ما يدل على ذلك هنا وفي الصوم، وتقدم ما ظاهره المنافاة، وبينا وجهه.

I (Hurr Amili) say: What indicates this has already been mentioned here and in the chapter on fasting, and what appeared to contradict this has also been mentioned, and we have explained its meaning.

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CHAPTER 26

Permissibility Of Freeing An Umm Walad For Expiation

[Hadith 28880 to 28880]

Hadith 28880

عن السكوني، عن جعفر، عن أبيه، عن علي (عليهم السلام)، قال: ام الولد تجزي في الظهار.

From al-Sakuni, from Ja'far, from his father, from Ali (peace be upon them), who said: An umm walad (a slave woman who has borne children to her master) suffices for zihar expiation.

أقول: وتقدم ما يدل على أن ام الولد أمة لا تخرج عن ملك مولاها، ويأتي ما يدل عليه، فتدخل في عموم الاحاديث السابقة والآتية.

I (Hurr Amili) say: What has preceded indicates that an umm walad is a slave woman who does not leave the ownership of her master, and what follows will also indicate this, so she falls under the general scope of the preceding and forthcoming hadiths.

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CHAPTER 27

Freeing The Blind, Paralyzed, Leper, And Mentally Deficient Does Not Suffice For Expiation, While Freeing Those With Withered Limbs, The Lame, Amputees, And One-eyed Persons Does Suffice

[Hadith 28881 to 28884]

Hadith 28881

عن أبي البختري، عن أبي عبدالله (عليه السلام): أن أميرالمؤمنين (عليه السلام) قال: لا يجوز في العتاق الاعمى والمقعد، ويجوز الاشل والاعرج.

From Abu al-Bakhtari, from Abu Abdullah (peace be upon him): That Amir al-Muminin (peace be upon him) said: The blind and paralyzed are not acceptable in manumission, while those with withered limbs and the lame are acceptable.

Hadith 28882

عن غياث بن إبراهيم، عن جعفر بن محمّد، عن أبيه (عليهما السلام)، قال: لا يجزي الاعمى في الرقبة، ويجزي ما كان منه مثل الاقطع والاشل والاعرج والاعور، ولا يجوز المقعد.

From Ghiyath ibn Ibrahim, from Jafar ibn Muhammad, from his father (peace be upon them both), he said: The blind person does not suffice for the slave to be freed, while what is like the amputee, those with withered limbs, the lame, and the one-eyed does suffice, but the paralyzed is not acceptable.

Hadith 28883

عن السكوني، عن جعفر، عن أبيه، عن علي (عليه السلام) قال: العبد الاعمى ولاجذم والمعتوه لا يجوز في الكفارات ؛ لان رسول الله (صلى الله عليه وآله) أعتقهم.

From al-Sakuni, from Ja'far, from his father, from Ali (peace be upon him) who said: A blind slave, one with leprosy, and a mentally deficient one are not valid for expiations, because the Messenger of Allah (may Allah bless him and his family) freed them.

Hadith 28884

عبدالله بن جعفر في (قرب الإسناد): عن عبدالله بن الحسن، عن علي بن جعفر، عن أخيه، قال: سألته عن رجل عليه عتق نسمة، أيجزي عنه أن يعتق أعرج أو أشل؟ فقال: إن كان ممن يباع أجزأ عنه، إلاّ أن يكون وقت على نفسه شيئاً، فعليه ما وقت.

Abdullah ibn Ja'far in (Qurb al-Isnad): from Abdullah ibn al-Hasan, from Ali ibn Ja'far, from his brother, he said: I asked him about a man who is obligated to free a soul - would it suffice for him to free a lame person or one with a withered limb? He said: If he is one who can be sold, it would

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suffice for him, unless he had stipulated something specific upon himself, then he must fulfill what he stipulated.

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CHAPTER 28

The Obligation Of Combined Expiation For Intentionally Killing A Believer In Aggression

[Hadith 28885 to 28888]

Hadith 28885

وابن بكير عن أبي عبدالله (عليه السلام)، قال: سئل عن المؤمن يقتل المؤمن متعمدا، ـ إلى أن قال: ـ فقال: إن لم يكن علم به انطلق إلى أولياء المقتول، فأقر عندهم بقتل صاحبه، فإن عفوا عنه فلم يقتلوه أعطاهم الدية، وأعتق نسمة، وصام شهرين متتابعين، وأطعم ستين مسكينا توبة إلى الله عزّ وجلّ.

From Ibn Bukayr, from Abu Abdullah (peace be upon him), he said: He was asked about a believer who kills a believer intentionally - until he said - He said: If it was not known about him, he should go to the guardians of the killed person and confess before them to killing their companion. If they forgive him and do not kill him, he should give them the blood money, free a slave, fast two consecutive months, and feed sixty poor people as repentance to Allah the Mighty and Majestic.

Hadith 28886

عن عبدالله بن سنان، قال: قال أبو عبدالله (عليه السلام): كفارة الدم إذا قتل الرجل المؤمن متعمدا فعليه أن يمكن نفسه من أوليائه، فان قتلوه فقد أدى ما عليه إذا كان نادما على ما كان منه، عازما على ترك العود، وإن عفي عنه فعليه أن يعتق رقبة، ويصوم شهرين متتابعين، ويطعم ستين مسكينا، وأن يندم على ما كان منه، ويعزم على ترك العود، ويستغفر الله عزّ وجلّ أبدا ما بقي.

From Abdullah ibn Sinan, he said: Abu Abdullah (peace be upon him) said: The expiation for blood when a man kills a believer intentionally is that he must submit himself to his guardians. If they kill him, then he has fulfilled what is upon him, provided he was remorseful for what he had done and determined not to repeat it. If he is pardoned, then he must free a slave, fast two consecutive months, feed sixty poor people, feel remorse for what he had done, resolve never to repeat it, and seek Allah's forgiveness the Mighty and Majestic forever as long as he lives.

Hadith 28887

عن ابن سنان ـ يعني: عبدالله ـ عن أبي عبدالله (عليه السلام)، أنّه سئل عن رجل قتل مؤمناً، وهو يعلم أنه مؤمن، غير أنّه حمله الغضب على أنه قتله، هل له من توبة إن أراد ذلك، أو لا توبة له؟ قال: توبته ان لم يعلم انطلق إلى أوليائه، فأعلمهم أنه قتله، فان عفي عنه أعطاهم الدية، وأعتق رقبة، وصام شهرين متتابعين، وتصدّق على ستين مسكينا.

From Ibn Sinan - meaning Abdullah - from Abu Abdullah, peace be upon him, that he was asked about a man who killed a believer while knowing that he was a believer, except that anger drove him to kill him. Does he have repentance if he wants it, or does he have no repentance? He said: His repentance, if they do not know, is to go to his family members and inform them that he killed

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him. If they forgive him, he gives them the blood money, frees a slave, fasts two consecutive months, and gives sadaqah to sixty poor people.

Hadith 28888

عن أبي بكر الحضرمي، قال: قلت لابي عبدالله (عليه السلام): رجل قتل رجلا متعمداً، قال: جزاؤه جهنم، قال: قلت له: هل له توبة؟ قال: نعم، يصوم شهرين متتابعين، ويطعم ستين مسكينا، ويعتق رقبة، ويؤدي ديته، قال: قلت: لا يقبلون منه الدية، قال: يتزوج إليهم ثمّ يجعلها صلة يصلهم بها، قال: قلت: لا يقبلون منه، ولا يزوجونه، قال: يصره صررا يرمي بها في دارهم.

From Abu Bakr al-Hadrami, he said: I said to Abu Abdullah, peace be upon him: A man who killed a man intentionally. He said: His recompense is Hell. He said: I said to him: Does he have repentance? He said: Yes, he fasts two consecutive months, feeds sixty poor people, frees a slave, and pays his blood money. He said: I said: They do not accept the blood money from him. He said: He should marry into their family, then make it a connection by which he maintains ties with them. He said: I said: They do not accept from him, nor do they marry him to them. He said: He should tie it in bundles and throw them into their house.

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CHAPTER 29

Whoever Kills His Slave Or Another's Slave Intentionally Must Also Perform The Combined Expiation

[Hadith 28889 to 28891]

Hadith 28889

عن الحلبي، عن أبي عبدالله (عليه السلام)، انه قال في رجل قتل مملوكه، قال: يعجبني أن يعتق رقبة، ويصوم شهرين متتابعين، ويطعم ستين مسكينا، ثمّ تكون التوبة بعد ذلك.

From al-Halabi, from Abu Abdullah (peace be upon him), that he said regarding a man who killed his slave: It pleases me that he should free a slave, fast two consecutive months, and feed sixty poor people, then repentance comes after that.

Hadith 28890

عن المعلّى، وأبي بصير، عن أبي عبدالله (عليه السلام)، أنّهما سمعاه يقول: من قتل عبده متعمدا فعليه أن يعتق رقبة، (و) يصوم شهرين متتابعين، (و) يطعم ستين مسكينا.

From al-Mu'alla and Abu Basir, from Abu Abdullah (peace be upon him), that they both heard him say: Whoever kills his slave intentionally must free a slave, fast two consecutive months, and feed sixty poor people.

Hadith 28891

عبدالله بن جعفر في (قرب الإسناد): عن عبدالله بن الحسن، عن علي بن جعفر، عن أخيه موسى بن جعفر (عليهما السلام)، قال: سألته عن رجل قتل مملوكا، ما عليه؟ قال: يعتق رقبة، ويصوم شهرين متتابعين، ويطعم ستين مسكينا.

Abdullah ibn Ja'far in (Qurb al-Isnad): from Abdullah ibn al-Hasan, from Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon them both), he said: I asked him about a man who killed a slave, what is upon him? He said: He must free a slave, fast two consecutive months, and feed sixty poor people.

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CHAPTER 30

Whoever Strikes His Slave - Even If Rightfully - It Is Recommended For Him To Make Expiation By Freeing Him

[Hadith 28892 to 28893]

Hadith 28892

عن أبي بصير، عن أبي جعفر (عليه السلام)، قال: إن أبي ضرب غلاما له واحدة بسوط، وكان بعثه في حاجة، فأبطأ عليه، فبكى الغلام، وقال: الله، تبعثني في حاجتك، ثمّ تضربني، قال: فبكى أبي، وقال: يا بني ! اذهب إلى قبر رسول الله (صلى الله عليه وآله) فصل ركعتين، وقل: اللهم اغفر لعليّ بن الحسين خطيئته، ثمّ قال للغلام: اذهب فأنت حر، فقلت: كان العتق كفارة للذنب؟ فسكت.

From Abu Basir, from Abu Ja'far (peace be upon him), who said: My father struck one of his slave boys once with a whip, and he had sent him on an errand, but the boy was slow in returning. The boy wept and said: By Allah, you send me on your errand, then you strike me! So my father wept and said: O my son! Go to the grave of the Messenger of Allah (peace be upon him and his family) and pray two units of prayer, and say: O Allah, forgive Ali ibn al-Husayn his sin. Then he said to the boy: Go, you are free. I said: Was the freeing an expiation for the sin? But he remained silent.

Hadith 28893

عن عبدالله بن طلحة، عن أبي عبدالله (عليه السلام)، إن رجلا من بني فهد كان يضرب عبدا له، والعبد يقول: أعوذ بالله، فلم يقلع عنه، فقال: أعوذ بمحمّد، فأقلع الرجل عنه الضرب، فقال رسول الله (صلى الله عليه وآله): يتعوذ بالله فلا تعيذه، ويتعوذ بمحمّد فتعيذه، والله أحق أن يجار عائذه من محمّد، فقال الرجل: هو حر لوجه الله، فقال: والذي بعثني بالحق نبيّاً، لو لم تفعل لواقع وجهك حر النار.

From Abdullah ibn Talha, from Abu Abdullah (peace be upon him): A man from Banu Fahd was striking his slave, and the slave was saying: I seek refuge with Allah, but he did not stop striking him. Then he said: I seek refuge with Muhammad, so the man stopped striking him. The Messenger of Allah (peace be upon him and his family) said: He seeks refuge with Allah but you do not give him refuge, yet he seeks refuge with Muhammad and you give him refuge? Allah has more right that His seeker of refuge be protected than Muhammad. The man said: He is free for the face of Allah. He said: By the One who sent me as a prophet with truth, if you had not done so, the heat of the Fire would have touched your face.

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CHAPTER 31

The Expiation For Tearing Clothes Over The Dead, Women Scratching Their Faces, Cutting Their Hair, And Plucking It In Calamity, And Sleeping Through The Evening Prayer Until Midnight

[Hadith 28894 to 28894]

Hadith 28894

عن خالد بن سدير أخي حنان بن سدير، قال: سألت أبا عبدالله (عليه السلام) عن رجل شق ثوبه على أبيه، أو على امه، أو على أخيه، أو على قريب له، فقال: لا بأس بشق الجيوب، قد شق موسى بن عمران على أخيه هارون، ولا يشق الوالد على ولده، ولا زوج على امرأته، وتشق المرأة على زوجها، وإذا شق زوج على امرأته، أو والد على ولده فكفارته حنث يمين، ولا صلاة لهما حتى يكفرا، أو يتوبا من ذلك.

From Khalid ibn Sudayr, brother of Hanan ibn Sudayr, he said: I asked Abu Abdullah (peace be upon him) about a man who tears his garment over his father, or his mother, or his brother, or a relative of his. He said: There is no harm in tearing the collar, for Moses son of Imran tore his garment over his brother Aaron. But a father should not tear his garment over his child, nor a husband over his wife, though a woman may tear her garment over her husband. When a husband tears his garment over his wife, or a father over his child, his expiation is that of breaking an oath, and there is no prayer for them until they make expiation or repent from that.

فاذا خدشت المرأة وجهها، أو جزت شعرها، أو نتفته ففي جز الشعر عتق رقبة، أو صيام شهرين متتابعين، أو إطعام ستين مسكينا، وفي الخدش إذا دميت، وفي النتف كفارة حنث يمين، ولا شيء في اللطم على الخدود سوى الاستغفار والتوبة، ولقد شققن الجيوب ولطمن الخدود الفاطميات على الحسين بن علي (عليهما السلام)، وعلى مثله تلطم الخدود وتشق الجيوب.

When a woman scratches her face, or cuts her hair, or plucks it - for cutting the hair there is freeing a slave, or fasting two consecutive months, or feeding sixty poor people. For scratching when it draws blood, and for plucking, there is the expiation of breaking an oath. There is nothing for striking the cheeks except seeking forgiveness and repentance. Indeed, the Fatimid women tore their collars and struck their cheeks over al-Husayn ibn Ali (peace be upon both of them), and for the like of him the cheeks are struck and the collars are torn.

أقول: وتقدم ما يدل على الحكم الاخير في مواقيت الصلوات، وتقدم ما يدل على بعض المقصود في الدفن.

I (Hurr Amili) say: What indicates the last ruling has preceded in the prayer times, and what indicates some of the intended meaning has preceded in burial.

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CHAPTER 32

The Expiation For Backbiting Is Seeking Forgiveness For The One You Backbit

[Hadith 28895 to 28895]

Hadith 28895

محمّد بن علي بن الحسين بإسناده عن جعفر بن عمر، عن أبي عبدالله (عليه السلام)، قال: سئل رسول الله (صلى الله عليه وآله)، ما كفارة الاغتياب؟ قال: تستغفر لمن اغتبته كما ذكرته. أقول: وتقدم ما يدل على ذلك في العشرة.

Muhammad ibn Ali ibn al-Husayn by his chain of narration from Ja'far ibn Umar, from Abu Abdullah (peace be upon him), who said: The Messenger of Allah (may Allah's blessings and peace be upon him and his family) was asked: What is the expiation for backbiting? He said: You seek forgiveness for the one you backbit just as you mentioned him. I (Hurr Amili) say: What indicates this has already been mentioned in the chapter on social conduct.

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CHAPTER 33

The Expiation For Working For The Ruler, And The Expiation For Breaking The Fast In The Month Of Ramadan

[Hadith 28896 to 28896]

Hadith 28896

محمّد بن علي بن الحسين، قال: قال الصادق (عليه السلام): كفارة عمل السلطان قضاء حوائج الاخوان. أقول: وتقدم ما يدل على ذلك في التجارة، وفي الصوم.

Muhammad ibn Ali ibn al-Husayn said: Al-Sadiq (peace be upon him) said: The expiation for working for the ruler is fulfilling the needs of the brothers. I (Hurr Amili) say: What indicates this has already been mentioned in the chapter on trade and in the chapter on fasting.

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CHAPTER 34

The Expiation For Laughter

[Hadith 28897 to 28897]

Hadith 28897

محمّد بن علي بن الحسين، قال: قال الصادق (عليه السلام): كفارة الضحك اللهم لا تمقتني. أقول: وتقدم ما يدل على ذلك في العشرة.

Muhammad ibn Ali ibn al-Husayn said: Al-Sadiq (peace be upon him) said: The expiation for laughter is: "Allahumma La Tamqatani." (O Allah, do not despise me.) I (Hurr Amili) say: What indicates this has already been mentioned in the tenth chapter.

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CHAPTER 35

The Expiation For Superstitious Omens Is Trust In Allah

[Hadith 28898 to 28899]

Hadith 28898

عن السكوني، عن أبي عبدالله (عليه السلام)، قال: قال رسول الله (صلى الله عليه وآله): كفارة الطيرة التوكل.

From al-Sukuni, from Abu Abdullah (peace be upon him), he said: The Messenger of Allah (may Allah bless him and his family) said: The expiation for superstitious omens is trust in Allah.

Hadith 28899

عن عمرو بن حريز، قال: قال أبو عبدالله (عليه السلام): الطيرة على ما تجعلها، إن هونتها تهوّنت، وإن شددتها تشدّدت، وإن لم تجعلها شيئا لم تكن شيئا.

From Amr ibn Hurayth, he said: Abu Abdullah (peace be upon him) said: Superstitious omens are according to what you make of them. If you make light of them, they become light. If you take them seriously, they become serious. And if you do not make them into anything, they are nothing.

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CHAPTER 36

The Expiation For One Who Marries A Woman Who Already Has A Husband

[Hadith 28900 to 28900]

Hadith 28900

عن أبي بصير، عن أبي عبدالله (عليه السلام) في الرجل يتزوج المرأة، ولها زوج؟ قال: إذا لم يرفع إلى الامام فعليه أن يتصدق بخمسة أصوع دقيقا. ورواه الصدوق بإسناده عن أبي بصير وزاد: هذا بعد أن يفارقها.

From Abu Basir, from Abu Abdullah (peace be upon him) regarding a man who marries a woman while she already has a husband. He said: If the matter is not brought before the Imam, then he must give sadaqah of five sa' of flour. Al-Saduq narrated it through his chain from Abu Basir and added: This is after he separates from her.

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CHAPTER 37

The Expiation Of Gatherings And Other Expiations, And Their Rulings

[Hadith 28901 to 28901]

Hadith 28901

محمّد بن علي بن الحسين، قال: قال الصادق (عليه السلام): كفارات المجالس أن تقول عند قيامك منها: (سبحان ربك رب العزة عما يصفون، وسلام على المرسلين، والحمد لله رب العالمين).

Muhammad ibn Ali ibn al-Husayn said: Al-Sadiq (peace be upon him) said: The expiation of gatherings is that you say when you stand up from them: "Glory be to your Lord, the Lord of Might, above what they describe, and peace be upon the messengers, and praise be to Allah, Lord of the worlds [Quran, 37:180-182]."

أقول: وتقدم ما يدل على بقية الكفّارات، وأحكامها في الحج، وفي الصوم، والظهار، وغير ذلك، ويأتي ما يدل على ذلك في النذور، والعهود، والايمان، والعتق، والقصاص، وغير ذلك.

I (Hurr Amili) say: What has preceded indicates the rest of the expiations and their rulings regarding Hajj, fasting, zihar (a form of divorce), and other matters. What will come indicates this regarding vows, covenants, oaths, manumission, retaliation, and other matters.

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